4.4.2 Lot access.

A. No building, structure or use of land for other than conservation purposes shall be established on a lot which does not have access to a ~~public street~~ **street that is publicly accessible** directly or by means of an easement. Access shall meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual and connect any lot that does not abut a street with the nearest reasonable accessible street to said lot. The strip shall be under the same ownership as the lot to which it provides access, or shall be an easement of record and appurtenant to the lot for which it provides access.

B. Up to three lots may share access by means of a shared right-of-way so long as each lot has off-street parking for two cars, which parking shall not be located within the right-of-way of the private drive. In cases where four or more lots share access through a common right-of-way, the right-of-way shall be considered and designed as a named roadway and meet the requirements of the Town of Black Mountain Standards and Details Manual.

   1. In a conservation subdivision, rights-of-way that cannot meet the road standards for a subdivision without compromising performance goals of the conservation subdivision requirements (see 7.5.4) and which access more than three lots must meet the approval of the public works director and fire marshal for the purpose of waste collection, snow removal and maintenance, and emergency vehicle access.

   2. In a development undertaken pursuant to a special use permit, the design of any shared parking and loading areas that also serve to access more than three residential units must be approved by the fire marshal.

C. Lots which include or are adjacent to perennial or intermittent surface waters as indicated on the most recent version of the 1:24,000 scale quadrangle topographic maps prepared by the USGS are subject to a 30-foot setback from the top of the bank of that surface water in accordance with phase II stormwater regulations. (see section 8.2.10)